

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARK SPOTZ,	:	Civil No. 1:21-CV-1799
	:	
Plaintiff,	:	(Judge Conner)
	:	
v.	:	(Magistrate Judge Bloom)
	:	
JOHN E. WETZEL, et al.,	:	
	:	
Defendants.	:	

**ORDER**

This is a civil rights action filed by the *pro se* plaintiff, Mark Spotz. The defendants filed a motion to dismiss the complaint. (Docs. 54-55). On June 9, 2023, Spotz moved for an extension of time to oppose the defendants' motion. (Doc. 57). On June 13, 2023, the Honorable Karoline Mehalchick granted Spotz's motion and directed him to file his opposition by August 14, 2023. (Doc. 59). Spotz has not responded to the motion.

Local Rule 7.6 of the Rules of this Court imposes an affirmative duty on the plaintiff to respond to motions:

Any party opposing any motion, other than a motion for summary judgment, shall file a brief in opposition within fourteen (14) days after service of the movant's brief, or, if a brief in support of the motion is not required under these rules, within seven (7) days after service of the motion. *Any party who fails to comply with this rule shall be deemed not*

*to oppose such motion.* Nothing in this rule shall be construed to limit the authority of the court to grant any motion before expiration of the prescribed period for filing a brief in opposition. A brief in opposition to a motion for summary judgment and LR 56.1 responsive statement, together with any transcripts, affidavits or other relevant documentation, shall be filed within twenty-one (21) days after service of the movant's brief.

Local Rule 7.6 (emphasis added).

It is well settled that “Local Rule 7.6 can be applied to grant a motion to dismiss without analysis of the complaint's sufficiency ‘if a party fails to comply with the [R]ule after a specific direction to comply from the court.’” *Williams v. Lebanon Farms Disposal, Inc.*, No. 09-1704, 2010 WL 3703808, \*1 (M.D. Pa. Aug.26, 2010) (quoting *Stackhouse v. Mazurkiewicz*, 951 F.2d 29, 30 (1991)). A failure to comply with this direction may result in the motion being deemed unopposed and granted.

Accordingly, IT IS ORDERED that Spotz respond to this motion on or before **October 19, 2023**. Pursuant to Local Rule 7.7 the movants may then file reply briefs on or before **November 2, 2023**. All briefs must conform to the requirements prescribed by Local Rule 7.8. No further extensions shall be granted, absent compelling circumstances.

So ordered this 5th day of October 2023.

*s/ Daryl F. Bloom*

Daryl F. Bloom

United States Magistrate Judge